

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS.) No. 1:23-CR-00020-H-BU-1
)
 TERRELL CHARLES FRYAR,)
)
 Defendant.)
 _____)

ELECTRONICALLY-RECORDED INITIAL APPEARANCE HEARING
BEFORE THE HONORABLE JOHN R. PARKER
UNITED STATES MAGISTRATE JUDGE
JUNE 22, 2023
ABILENE, TEXAS

FOR THE PLAINTIFF:

MATT L. TUSING
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FOR THE DEFENDANT:

N/A

Proceedings recorded electronically; transcript produced by
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DEBORAH A. KRIEGSHAUSER, FAPR, RMR, CRR
Federal Official Court Reporter
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Dallas, TX 75242
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1 (Proceedings commenced at 2:41 PM.)

2 THE COURT: The Court now calls Case No. 1:23-CR-020,
3 *United States of America versus Terrell Charles Fryar*.

4 MR. TUSING: Matt Tusing for the United States. Ready
5 to proceed, Your Honor.

6 THE COURT: Thank you, Mr. Tusing.

7 And you, sir, are "Terrell Charles Fryar"?

8 THE DEFENDANT: Yes, sir, I am.

9 THE COURT: Okay. Mr. Fryar, you're appearing in
10 federal court in Abilene this afternoon because a Grand Jury has
11 returned an indictment charging you with a federal crime. The
12 purpose of this hearing is to -- for me to explain your rights to
13 you and to ensure that you have a lawyer to assist you.

14 The prosecutor here is going to go over the charges and
15 the maximum penalties that can be imposed on someone convicted of
16 those charges. And then I will discuss with you the
17 circumstances, if any, under which you may be released.

18 Let's begin by discussing your right to a lawyer. You
19 do have the right to the assistance of a lawyer at all stages of
20 these revocation -- I mean these criminal proceedings, and you
21 have the right to have that lawyer with you during any
22 questioning by law enforcement or the authorities.

23 Mr. Fryar, you do have the right to hire your own
24 lawyer, but if you can't afford one, then I will appoint one for
25 you at no cost.

1 I do see that you signed an affidavit. Is that
2 correct?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you understand I'm going to rely on
5 this information in determining your eligibility for a lawyer?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Do you swear or affirm under
8 penalty of perjury that this financial information is accurate?

9 THE DEFENDANT: It -- Yes, sir. It's -- It's -- Yeah,
10 I don't -- Yeah.

11 THE COURT: All right. I do find that you're eligible
12 for the appointment of a lawyer at no cost. So I'm going to
13 appoint a lawyer by the name of "Michael Galovich." He's a local
14 attorney who regularly practices federal criminal cases in this
15 court. The Court will notify Mr. Galovich of his appointment in
16 this case, and he'll make contact with you in the next few days.

17 Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. You also have the right to
20 remain silent, not make any statement about the charges against
21 you. If you have already started to speak to someone about those
22 charges, you may stop at any time you wish and say no more. You
23 do need to understand, Mr. Fryar, that anything you say about the
24 charges to someone other than Mr. Galovich, your attorney, may be
25 used against you.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. This probably doesn't apply to
4 you, but in the event you're not a citizen of this country, you
5 also have the right to have your country notified of your arrest
6 here.

7 Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Have you received a copy of the
10 Indictment?

11 THE DEFENDANT: I believe so.

12 THE COURT: All right. Mr. Tusing here is going to
13 summarize the charges, so please listen carefully.

14 MR. TUSING: The Grand Jury indicted three counts
15 against you.

16 Count One alleges a Conspiracy to Distribute and
17 Possess with Intent to Distribute 50 Grams or More of
18 Methamphetamine which means that you and one or more people did
19 knowingly and intentionally, combine, conspire, confederate and
20 agree with each other to knowingly and intentionally distribute
21 and possess with intent to distribute 50 grams or more of actual
22 methamphetamine, a Schedule II controlled substance.

23 Counts Two and Four in the Indictment allege that you
24 possessed with intent to distribute 50 grams or more of
25 methamphetamine, of actual methamphetamine, meaning that you

1 knowingly possessed a controlled substance. That substance was,
2 in fact, actual methamphetamine. You possessed it with an intent
3 to distribute it, and the quantity of the substance was at least
4 50 grams or more of actual methamphetamine.

5 Those are the three counts in the Indictment.

6 THE DEFENDANT: Can I -- Can I ask a question?

7 THE COURT: Well, let me -- let me stop you there. You
8 can ask a question about the charges themselves.

9 THE DEFENDANT: Yes.

10 THE COURT: But I don't want ---

11 THE DEFENDANT: That's what I thought.

12 THE COURT: Yeah. I just don't want you to say
13 anything that can hurt your ---

14 THE DEFENDANT: Right. Right.

15 THE COURT: Okay.

16 THE DEFENDANT: Okay. When I was reading where it said
17 -- I thought it said Two through Four, so I thought that was
18 three more counts. But it's Two and Four?

19 MR. TUSING: It's -- Yes. So it -- I'm sorry. It's a
20 four-count indictment total. You are only named in three --

21 THE COURT: Three.

22 MR. TUSING: -- of the four counts.

23 THE DEFENDANT: Okay. That's -- Okay, yeah. I
24 understand.

25 THE COURT: You're named in Counts One, Two and Four.

1 THE DEFENDANT: Okay. I understand.

2 THE COURT: All right. And as far as the substance of
3 the charges, again, I'm not expecting you to have a detailed
4 understanding, but you understand generally what you're being
5 charged with?

6 THE DEFENDANT: I think so.

7 THE COURT: All right. And, again, you'll have a
8 chance to visit with your lawyer, Mr. Galovich, when he makes
9 contact with you. And, in fact, in a few days or maybe next
10 week, whenever we can get it scheduled, you'll be brought back
11 for an arraignment. It's a brief hearing where Mr. Galovich will
12 be with you. We'll go over the charges and penalties again with
13 you, make sure everybody understands them, and then you'll have
14 an opportunity to enter your "not guilty" plea, and the case will
15 move forward.

16 I'm going to schedule that arraignment for next
17 Thursday, June the 29th, at 1:30. And, again, you'll get to
18 visit with Mr. Galovich, if -- if not before then, then that day
19 before the hearing, of course, so.

20 All right.

21 THE DEFENDANT: What are -- What are -- Nobody's
22 mentioned what the penalties for this are.

23 THE COURT: And that's what we're going to do next.

24 THE DEFENDANT: Oh.

25 THE COURT: So listen carefully, please.

1 MR. TUSING: The maximum -- minimum and maximum
2 penalties the Court may impose are the same for each of the three
3 counts. So each one of them brings separately and together:

4 A term of imprisonment of not less than ten years and
5 up to life;

6 A fine of up to ten million dollars or both;

7 A term of supervised release of at least five years and
8 up to life;

9 Costs of incarceration and supervision;

10 Forfeiture of property;

11 Restitution to victims or the community; and

12 A Mandatory Special Assessment of \$100 per count.

13 THE COURT: All right. And, Mr. Fryar, again, the
14 rules require that we go over the maximum penalties that can be
15 imposed on someone convicted of those charges at this hearing.
16 So those are the maximum penalties. You can talk to your lawyer
17 about that before your arraignment as well.

18 But today, do you understand that those are the maximum
19 penalties?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: All right.

22 THE DEFENDANT: Do they -- Do they run concurrent or do
23 they -- are they stacked on top of each other or -- for each
24 count?

25 THE COURT: I'm looking now to see. I think these --

1 I'll tell you what. I don't have that readily available. So
2 what I would recommend you doing is that you visit with
3 Mr. Galovich about that. The sheet I have does not identify
4 whether they're concurrent or consecutive, but he'll know and
5 he'll be able to advise you on that.

6 THE DEFENDANT: Wouldn't -- Wouldn't he know?

7 THE COURT: I'm not sure if Mr. Tusing has that
8 available or not.

9 MR. TUSING: I don't have that available in front of
10 me, Your Honor, although I will note that -- that two of the
11 counts occurred on separate dates.

12 THE COURT: All right. So -- All right. All right.

13 THE DEFENDANT: Does that -- Does that have a bearing
14 on whether they -- the sentences run together or not or ---

15 MR. TUSING: And, Your Honor, I will note that my -- my
16 notes show that his maximum total penalty, if convicted of all
17 three counts, is life imprisonment, a 30-million-dollar fine, and
18 a lifetime term of supervised release.

19 THE COURT: All right. Well, that says there that they
20 can run consecutive. All right. They can, in other words, be
21 stacked. All right?

22 Do you have any other questions about the penalties
23 themselves?

24 THE DEFENDANT: No, I don't guess so.

25 THE COURT: All right. The issue of custody, the

1 Government has filed a motion to keep you in custody pending the
2 outcome of your case based on their belief that you are both a
3 flight risk and a danger to other persons in the community if
4 released, but you're entitled to a hearing on that.

5 The Government has asked for a three-day continuance of
6 that hearing, Mr. Fryar, which I'm obliged to grant. So what I'm
7 going to do is I'm going to schedule that Detention Hearing to
8 immediately follow your arraignment on Thursday, June 29th. And
9 you'll be able to talk to Mr. Galovich about how you wish to
10 handle both of those hearings. I am required to keep you in
11 custody pending those hearings.

12 You have any question about anything we've done today?

13 THE DEFENDANT: No, sir.

14 THE COURT: All right. Mr. Tusing, anything further?

15 MR. TUSING: Nothing further, Your Honor.

16 THE COURT: All right. Mr. Fryar, you'll remain in the
17 custody of the United States Marshal pending your hearings next
18 week, and we are adjourned. Thank you, sir.

19 (Hearing adjourned at 2:50 PM.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Deborah A. Kriegshauser, Federal Official Realtime Court Reporter, in and for the United States District Court for the Northern District of Texas, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the electronically-recorded proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 26th day of June, 2024.

/s/ Deborah A. Kriegshauser

DEBORAH A. KRIEGSHAUSER, FAPR, RMR, CRR
FEDERAL OFFICIAL COURT REPORTER